

Remarks:

Claims 42-43 and 45-48 are pending. Claims 43, 45, 47 and 48 are allowed. Claims 42 and 46 stand rejected. Reconsideration of the rejections is respectfully requested.

Claim Rejection under 35 U.S.C. §103(a) - Baumann et al.

Claims 42 and 46 stand rejected under 35 U.S.C. §103(a) as obvious over Korotkikh et al. (U.S. Patent No. 6,562,315) in view of Mesters et al. (U.S. Patent No. 4,711,773). In particular the Examiner asserts:

Claims 42 and 46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Korotkikh et al. in view of Mesters et al. (of record). Korthkikh et al. disclose a process for carrying out the water-gas shift reaction, wherein the catalyst for the reaction comprises aluminum oxide having a surface area of at least 10 m²/g, a catalytic agent, and cerium oxide as a promoter. (See column 3, lines 12-21.) The differences between the process disclosed by Korotkikh et al. and that recited in claims 42 and 46, is that Korotkikh et al. do not disclose that the catalytic agent should be copper and be present between 4 and 14% by weight. Mesters et al. disclose that metallic copper will catalyze the water gas-shift reaction. (See the Abstract and column 2, lines 34-68.) It would be prima facie obvious from Mesters et al. to employ copper as the catalytic agent for the catalyst of Korotkikh et al. since Korothkikh et al. teach at column 7, lines 48-51 that the catalytic agent can be any suitable material that catalyzes the water gas-shift reaction, and Mesters et al. clearly disclose that copper would be such a material that would catalyze the water gas-shift reaction. Moreover, the copper catalyst of Mesters et al. is deposited on a refractory oxide carrier having a high specific surface area, as is the catalyst material of Korotkikh et al., so that it would be expected from Mesters et al. that copper would function as a catalytic agent for the catalyst of Korotkikh et al. It would be further obvious to employ the copper in an amount between 4 and 14% by weight in the catalyst of Korotkikh et al., since Mesters et al. teach that the copper should be present in an amount of at least 1% by weight (see the Abstract), and it would be within the skill of one of ordinary skill in the art to determine a suitable or optimum amount of copper to be employed. Regarding claim 46, it is noted that the conditions recited therein are disclosed at column 18, lines 34-54 of Korotkikh et al.

Without conceding the correctness of the rejection, Applicants note that Korotkikh et al. should properly be disqualified as prior art against the claimed invention as the subject matter

and the claimed invention were at the invention was made owned by the same person or subject to an obligation of assignment to the same person pursuant to MPEP 706.02(l)(1).

Statement Concerning Common Ownership

U.S. Patent Application Serial No. 09/771,812 (the ‘812 application) and United States Patent No. 6,562,315, were at the time of the invention of the ‘812 application was made, owned by Engelhard Corporation.

As further objective evidence of common ownership, the reel and frame numbers for the recorded assignment for the ‘812 application are 011584/0789; and the reel and frame number for the recorded assignment for U.S. Patent No. 6,562,315 are 011201/0835.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

FEE DEFICIENCY

- If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 04-0480.

and/or
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Respectfully submitted,



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Docket # 4739Inventor(s) Ruettinger, et al.Title: Improved Non-Pyrolytic Water-Gas Shift Reaction Catalysts
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